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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,715	02/06/2002	Scott C. Milton	WHB-31574	8641

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MILWAUKEE, WI 53202

EXAMINER

FEGGINS, KRISTAL J

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,715

Applicant(s)

MILTON, SCOTT C.

Examiner

K. Feggins

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 19-23 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 15-18, 24, 28 and 30 is/are rejected.
- 7) ☒ Claim(s) 4-5, 13-14, 25-27 & 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-12, 15-18, 24, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Nierescher (US 5,638,106).

* regarding claim1, a label/printing medium/ printer/20/ having a cover portion frame/22 of fig 2/ and a base portion frame/24 of fig 2/ (figs 1-2, col 2, lines 66-68, col 3, lines 1-5, 21-24);

* a label/printing medium/ printer registration assembly comprising a registration device/platen roller, 46 of fig 2/ securable to the base portion frame/24/ of the label/printing medium/ printer/20 of fig 1/ (col 3, lines 54-65, figs 1-2)

* a print head assembly/150/ mountable to the cover portion frame of the label printer (fig 2, col 4, lines 6-20, 31-40);

* the print head assembly/150/ comprising a variably loadable print head/80/ for printing to a label media/print medium/ (col 4, lines 1-5) /due to the force exerted upon the printhead, the printhead to be variably adjusted/;

* a registration face/printhead pressure mechanism/ attached to the print head (col 4, lines 6-20);

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* wherein the registration face/printhead pressure mechanism/ is engageable with the registration device/platen roller/ to maintain registration between the print head and the registration device (col 3, lines 54-65) .

* regarding claim 2, wherein the registration device is a registration/platen/ roller (col 3, lines 54-5546, 46 of fig 2).

* regarding claims 3 & 15, wherein the registration roller is a platen roller (col 3, lines 54-5546, 46 of fig 2).

* regarding claims 6 & 16, wherein the platen roller can rotate about an axis of rotation/inherent feature of the platen roller to rotate/roll about it axis/

* regarding claims 7 & 17, wherein the variably loadable print head can be variably loaded to a media-specific load and wherein the registration face can engage the platen roller such that the print head is substantially prevented from moving both axially and transversely with respect to the axis of rotation about which the platen roller can rotate/the printhead support member is held in a fixed position/ (col 4, lines 6-20).

* regarding claims 8 & 18, wherein print head assembly/150/ further comprises: a print head lift cam/cam mechanism, 158/ connected to the cover portion frame (col 4, lines 6-20, fig 2);

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* print head assembly pin in operative association with the print head lift cam, the pin housing a print head load spring (col 4, lines 21-31, col 7, lines 50-55, col 8, lines 27-60);

* wherein the load spring housed within the print head assembly pin can be compressed via rotation of the cam so as to transfer a media-specific load to the label media (col 4, lines 41-67).

* regarding claim 9, wherein the print head assembly further comprises a print head mount connected to the print head assembly pin/fastener/ (col 4, lines 21-31, 40-67, col 7, lines 50-55, col 8, lines 27-60);

* a print head pivot pin/fastener/162/ (col 7, lines 50-55, col 8, lines 27-60);

* wherein the print head pivot pin passes through, so as to pivotally connect, the print head assembly pin and the print head mount/the cam has a pin that adjust the printhead support which supports the printhead to various angle depending on the medium thickness/ (col 4, lines 21-31, 40-67, col 7, lines 50-55, col 8, lines 27-60);

* regarding claim 10, wherein the print head is a thermal print head/80/ (col 3, line 60)

* regarding claim 11, wherein the registration device is a shaft/156/ (col 4, lines 9-20).

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- * regarding claim 12, a label/print medium/ printer;
 - * a cover/22/ portion having a cover portion frame attached to the cover portion (figs 1-2, col 2, lines 66-68, col 3, lines 1-5, 21-24);
 - * a base portion/24/ having a base portion frame, the base portion frame connected to the base portion and to the cover portion frame (figs 1-2, col 2, lines 66-68, col 3, lines 1-5, 21-24);
 - * a dot line registration assembly comprising a registration roller/46/ securable to the base portion frame of the label printer, (col 3, lines 54-65, figs 1-2);
 - * a print head assembly/150/ mountable to the cover portion frame of the label printer, the print head assembly comprising a variably loadable, thermal print head for printing a dot line to a label media; (col 4, lines 1-5) /the force of the printhead is variably adjusted/;
 - * a registration face attached to the print head (col 4, lines 6-20);
 - * wherein the registration face/printhead pressure mechanism/ is engageable with the registration roller/platen roller/ to maintain dot line registration between the thermal print head and the registration roller/platen/ (col 3, lines 54-65).
-
- * regarding claim 24, a method of printing to a label media/the disclosed by the apparatus/;
 - * the method comprising providing a dot line registration assembly (col 1, lines 29-30), the dot line registration assembly;

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* a registration roller securable to a base portion frame of a label printer *(to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure);*

* a print head assembly mountable to a cover portion frame of the label printer *(to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure);*

* the print head assembly including a variably loadable, thermal print head for printing the registered dot line to the label media *(to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure);*

* registration face attached to the print head *(to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure);*

* engaging the registration face with the registration device so as to achieve and maintain dot line registration (col 3, lines 54-65);

* loading the variably loadable print head to a label media-specific load to achieve loaded registration between the print head and the registration roller/platen/ (col 4, lines 1-5) /due to the force exerted upon the printhead, the printhead to be variably adjusted/;

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* thermally printing, at the media-specific load, a dot line to the label media, using the print head (Abstract, col 4, lines 1-5).

* regarding claim 30, further comprising unloading the variably loadable print head while the print head and the registration roller are engaged so as to achieve and maintain unloaded registration (col 3, lines 54-67, col 4, lines 1-4) /when the printhead is printing on the print medium.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nierescher (US 5,638,106) in view of Aruga (US 6,141,028).

Nierescher discloses all of the following claims except for the following:

* wherein loading to a media-specific load is accomplished using values stored on a memory device in operable association with a label media supply.

Aruga disclose the following claimed limitations:

* wherein loading to a media-specific load is accomplished using values stored on a memory device in operable association with a label media supply (col 14, lines 42-54).

It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to utilize loading to a media-specific load is accomplished using values stored on a memory device in operable association with a label media supply, taught by Nierescher into Aruga for the purpose of providing a printer which can easily print to different types of recording paper.

Allowable Subject Matter

5. Claims 19-23 & 31 are allowed.

Claims 4-5, 13-14, 19-23, 25-27 & 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The primary reason for indicating allowable subject matter of claims 4-5 is the inclusion of the limitations of a label printer that includes a registration face attached to the print head includes a notch and the platen roller includes a shaft portion having a groove and the registration face notch is engageable with the platen roller shaft groove. It is these limitations found in the claims as they are claimed in the combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable over the prior art.

The primary reason for indicating allowable subject matter of claims 13-14 is the inclusion of the limitations of a label printer that includes a registration roller that comprises a groove and the registration face comprises a notch for engaging the groove in the registration roller. It is this limitation found in the claims as they are claimed in the

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combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable over the prior art.

The primary reason for indicating allowable subject matter of claims 25-27 & 29 is the inclusion of the limitations of a label printer that includes a registration face which includes a notch and the registration roller is a platen roller having a shaft portion with a groove as part of providing the dot line registration assembly. It is this limitation found in the claims as they are claimed in the combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable over the prior art.

The primary reason for the allowance of claims 19-23 is the inclusion of the limitations of a label printer that includes a platen roller having a pair of shaft portions, with each of the shaft portions having a groove formed therein, the platen roller shaft portions securable to the base portion frame of the label printer; a pair of opposing registration faces attached to the print head, the pair of opposing registration faces each having a notch formed therein; wherein each of the registration face notches are engageable with the grooves of the platen roller shaft portions so as to maintain dot line registration by substantially preventing both axial and transverse movement of the print head with respect to the platen roller axis of rotation. It is these limitations found in the claims as they are claimed in the combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable over the prior art.

The primary reason for the allowance of claim 31 is the inclusion of the limitations of a label printer that includes a platen roller having a pair of shaft portions, with each of

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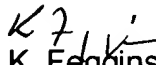
the shaft portions having a groove formed therein, the platen roller shaft portions securable to the base portion frame of the label printer; a pair of opposing registration faces attached to the print head, the pair of opposing registration faces each having a notch formed therein; wherein each of the registration face notches are engageable with the grooves of the platen roller shaft portions so as to maintain dot line registration by substantially preventing both axial and transverse movement of the print head with respect to the platen roller axis of rotation. It is these limitations found in the claims as they are claimed in the combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable over the prior art.

Communication With The USPTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 703-306-4548. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, B. Fuller can be reached on 703-308-0079. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


K. Feggins
September 5, 2003